

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 765 of 2007

Dated: 11-01-2007

Between:

K. Satish Goud and 3 others.

..... PETITIONER

AND

The Central Power Distribution Company of A.P., Limited and anther.

.....RESPONDENTS

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HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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WRIT PETITION No. 765 of 2007
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ORDER:

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Heard Sri Srinivasa Reddy for the petitioners and the learned standing counsel appearing for the respondents.

It is not in dispute that the respondents have made a demand of Rs.2,56,406/- in pursuance of the provisional assessment, notice, dated 22-12-2006. Subsequently, due to non-payment of the said amounts, the electricity supply is disconnected to the petitioner's restaurant.

Learned counsel for the petitioners submitted that the provisions of the Electricity Act, 2003 (for short 'the Act') do not empower the respondents to make a demand on the basis of the provisional assessment until final assessment is made after giving an opportunity to the petitioners. He relied upon a judgment of the Division Bench of this Court in W.A.No.452 and 477 of 2004 dated 11-03-2004, wherein it was held that the respondents are not vested with the power of demanding and recovering any amount in pursuance of a provisional assessment made under Section 126 of the Act.

Learned standing counsel for the respondents has fairly accepted this position.

In view of the same, the demand made by the respondents is declared as illegal. However, liberty is given to the respondents to make

final assessment and proceed further in accordance with law.

The writ petition is accordingly allowed subject to the above observations. No costs.

(C.V.NAGARJUNA REDDY,J)

Date: 11-01-2007

KLP